

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, JANUARY 19, 2006 1:00 P.M.**

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**CALL TO ORDER**

Mrs. Mareth Kipp, Chairperson, called the meeting to order at 1:00 p.m.

Commission	Mareth Kipp	Gary Goodchild
Members Present:	Walter Baade	Pat Haukohl

Commission			
Members Absent:	Ellen Gennrich	Betty Willert	Walter Kolb

**Staff**

Members Present:	Kathleen Moore, Senior Planner	Amy Barrows, Sr. Land Use Specialist
	Elfriede Sprague, Clerk III	Jason Fruth, Sr. Land Use Specialist
	Peggy Pelikan, Land Use Specialist	Sheri Mount, Land Use Specialist
	Atty. Debbie Price	Perry Lindquist
	Jim Kavemeier	

Guests Present:	Atty. Timothy Kay	Mark Smith	S. Berghauer
	Joyce Omitt	Jay Cavaiani	John Jorgensen
	John Baumann	Scott Williams	Matt Neumann
	Corey O'Donnell	Jim Siepmann	

**CORRESPONDENCE:** None.

**MEETING APPROVAL:** None

- **Meeting Dates** - Schedule Park and Planning Commission Meeting Dates for April, May, June and July 2006.

April 6 and 20 May 4 and 18 June and July will be scheduled at a later date
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**MINUTES:** Submittal of the December 1 and December 15, 2005, Minutes

**PUBLIC COMMENT:**

Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

**REZONES**

• **ZT-1605 (Text Amendment) Town of Mukwonago**

Mrs. Moore presented the "Staff Report and Recommendation" dated January 19, 2006, and made a part of these Minutes. She indicated the proposed request included amendments to Sections 2.02(61) and (78), 10.01, 3.08(4)(Q)5, 3.08(4)(T), 6.02(1)(B)1(f), 6.02(1)(B)2(b) and create Sections 2.02(3a), (41a), (58a), (63a) and (72b), and 3.08(4)(G)1 of the Zoning Ordinance for the Town of Mukwonago (Conservation Design Subdivisions).

Mrs. Moore related the Town has been working on this amendment for the last year and one-half and the Metropolitan Builders Association has endorsed it. The amendment addresses Conservation Design Subdivisions and will enable the Town to better preserve and protect the natural and physical features of development sites. She is in the process of rewriting the allotment provisions of the Land Division and Development Control Ordinance, as it does not fit well with the concept of Conservation Design developments. It will probably be finished in March or April. There were several questions regarding the open space, Environmental Corridor, wetlands, requirements, restrictions, etc. Mrs. Moore clarified those issues and how they were addressed in the Ordinance. The Commission felt it was a commendable effort on the part of the Town by helping to preserve the rural nature of the community.

*After discussion, Mr. Baade moved, seconded by Mr. Goodchild carried unanimously for approval, in accordance with the "Staff Report and Recommendation".*

**SCHEDULED MATTER**

• **1:15 p.m. Stormwater Ordinance Update by Perry Lindquist, Land Conservation Manager**

Request: Summary of updates to the Waukesha County Storm Water Management and Erosion Control Ordinance.

Perry Lindquist detailed some of the changes made to the Storm Water Management and Erosion Control Ordinance, which were approved by the County Board last March. The only item still being worked on is the "Forfeiture Schedule" for violations. It should be ready in the Spring of this year. Two handouts were given to the Commission, the "Summary of 2005 revisions to Waukesha County Storm Water Management and Erosion Control Ordinance" and "Summary of LRD Storm Water Requirements Relating to Land Divisions and Zoning". Some of the major highlighted changes were clarification of jurisdictional issues, an added reference to Chapter 236 Wis. Stats. in the "Authority" section, revised "Applicability" and "Exemptions" sections, added "Preliminary Storm Water Review" and "Certification of Compliance" for plats and CSM's, added DNR storm water performance standards from NR 151, an inspection plan requirement and citation authority. Some language was built into the Ordinance that eliminates the duplicate permit process. Special attention was given to the requirement of digital submittal of proposed site plans to enhance the review process through the use of the GIS system. This requirement will save the County a great deal of time and money. Mr. Goodchild suggested the standards for the data layers be clarified. Mr. Lindquist relayed that the County will be holding a workshop on March 9, 2006, with the development community and reviewing the changes to the Ordinance. The Commission thanked him for the informative update.

• **1:30 p.m. Quarterly Parks System Update by James W. Kavemeier, Parks System Manager**

Request: Quarterly Parks System Update.

Mr. Kavemeier agreed to postpone his update until a time when the entire Commission was present.

- **(TRI-ING for Children) James Kavemeier, Parks Systems Manager**

Request: Update on triathlon event scheduled for July 29 and 30, 2006 at Naga-waukee Park.

Mr. Kavemeier reminded the Commission they approved a waiver from the Parks System Reservation Policy so “Tri-ing for Children’s, Inc.” could reserve Naga-Waukee Park on Saturday, July 29, 2006 and Sunday, July 30, 2006, prior to the First Business Day of the Year at the December 15, 2005 meeting. He and his Staff met with the Tri-ing for Children committee and came to the conclusion that Naga-Waukee Park was too restrictive for the event; therefore it will be held at Picnic Areas No. 2 and 3 in Menomonee Park instead.

- **(Kettle Moraine High School) James Kavemeier, Parks Systems Manager**

Request: Request for waiver of park policy.

Mr. Kavemeier detailed a request from Kettle Moraine High School to sell concessions at Naga-Waukee Park during two events; the Lazer Cross Country Invitational and the Classic Eight Cross County meet. The selling of concessions requires them to receive a waiver from Provisions of the Waukesha County Code, Parks and Recreation, Chapter 14, Section 14-153, “Sales and Handouts”. The school will be selling concessions to the participants only.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval. The approval of this request meets the intent and purposes of all County Ordinances.*

- **SVZ-1594 (Vespera, LLC.) City of Oconomowoc, Section 9 (B-2 Local Business District to the R-3 Single-Family Residential District)**

Mrs. Moore presented the “Staff Report and Recommendation” dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property on the north side of C.T.H. “B” (Valley Road) and on either side of St. Andrews Drive, north of Silver Lake, in the City of Oconomowoc on the aerial photograph.

Mrs. Moore explained the proposed rezoning would be for the development of 36 living units in a condominium type arrangement being one, two and three family type structures. The property is currently zoned B-2 Local Business District within the County’s Shoreland and Floodland Protection Ordinance jurisdiction. The request to rezone to the R-3 Residential District would accommodate the development while eliminating any potential for business uses in the future. The City already has this property zoned in the residential category on the City’s zoning map. The Commission was concerned with lake frontage ownership and the potential for pyramiding. Mrs. Moore explained the property has been annexed to the City, and under the Statutes, the City must now administer the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance concerning ownership and pyramiding. The City, DNR and developer are aware of the Staff’s concern that there is not enough lake frontage for all 36 units to have access. If the City does not administer the provisions, it then is up to the DNR to enforce the Ordinance and it is no longer a County function.

*After discussion, Mr. Goodchild moved, seconded by Mrs. Haukohl and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **2:00 p.m. SZT-1598 (Siepmann Development Co. - Kiekhefer Trust) Town of Waukesha, Section 23 (R-1 Residential District to the R-2 Residential and C-1 Conservancy Districts - Town) and the (R-1 Residential District to the R-2 Residential, C-1 Conservancy and EC Environmental Districts - County).**

Mrs. Moore presented the “Staff Report and Recommendation” dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property on the west side of Milky Way Rd., approximately ¾ mile south of its intersection with Sunset Drive and S.T.H. 59, in the Town of Waukesha on the aerial photograph and indicated the petitioner is proposing a 19-lot single-family development.

Mrs. Moore explained the subject parcel had a variety of terrain and physical features, such as wetlands, Environmental Corridor, snake habitat and navigable streams. The developer has worked with the DNR and has set aside an area for the Butler Garter Snake habitat. The development is in compliance with the Waukesha County Development Plan and is being developed as a Planned Unit Development (PUD) under the County’s Ordinance. The Park and Planning Commission will be reviewing the proposed PUD on the subject property. There is a small area of C-1 that is being rezoned to R-2, as the road crosses the wetland. Mrs. Kipp asked if the one stream was truly navigable? Was it a feeder stream? Mr. Siepmann replied it was not a feeder stream. It does have true bed and bank and meets the DNR’s minimum width requirements, however you could not get a canoe into it. Mrs. Haukohl was concerned with several lots being in the Environmental Corridor (EC). Mrs. Moore stated Condition No. 2 in the Staff Recommendation states that any lots in the EC must have minimum 2-acre lot sizes. The petitioner does not meet that condition; therefore he is applying for a PUD, which would allow him more flexibility. Mrs. Haukohl asked how much of the property was Environmental Corridor? Mrs. Moore answered there were 5 acres in the County Shoreland and Floodland Protection Ordinance jurisdiction; however there was more in the Town’s jurisdiction, however the Town of Waukesha does not have an Environmental Corridor District.

Mr. Siepmann explained the property was very difficult to work with as it has a variety of features, including the Butler Garter snake habitat. The DNR has determined the wetland areas on the site and the Garter Snake habitat need to be protected. They will allow two minor crossings of the wetlands for the road. The developer has set aside a large island of land for the Butler Garter Snake habitat, which would be considered developable. It was not possible to move the cul-de-sac further out of the EC due to the topography of Milky Way Road and visibility issues. He would be willing to create smaller building envelopes for Lots 3, 4 and 5 to keep as much of the homes out of the corridor as possible. The only two lots they would not be able to do that with are Lots 11 and 12. He felt at one time the area was probably farmed and it was not high quality EC that the building envelopes were situated in. The true, high quality EC was to the west and would not be disturbed. Mrs. Moore activated the aerial photograph of the area from the 1950’s. It was agreed, at one time, the area was farmed and now it is probably just overgrowth. He said the development is designed to create the least impact on the site as possible. He would like to see the 2-acre lot size requirement in the EC removed as it would create a loss of several lots, and the project would not be viable. He has spoken with the Waukesha Land Conservancy to put a conservation easement on the site, as there are a lot of highly protected lands. The Conservancy has expressed interest in an easement.

Mrs. Haukohl again expressed concern with the lots being in the EC. Mr. Goodchild and Mrs. Kipp felt the proposal conserved a large area of the site. Mrs. Kipp asked if septic systems would be a problem? Mr. Siepmann replied, “No”. Mrs. Haukohl asked if someone would be reviewing the

Building Plans to avoid any grading problems, violations, etc. Mr. Siepmann replied that every attempt will be made to work with the grades and they will approve the building locations and architecture for the new homes.

*After discussion, Mr. Baade moved, seconded by Mr. Goodchild for approval, as conditioned, in accordance with the “Staff Report and Recommendation”.*

Mrs. Moore asked the Commission to address Condition No. 2 of the Staff’s recommendation requiring lots be a minimum of 2-acres in the EC before making a decision. She explained the 2-acre minimum lot size in the EC is a requirement of the Shoreland and Floodland Protection Ordinance. Under our PUD provisions, we could reduce the road setback to enable the lots to have deeper building envelopes. Mr. Goodchild commented that smaller lots in that area would be more desirable as they would create fewer disturbances. Mrs. Haukohl added the size of the lot wasn’t her main concern, and she would rather see a smaller lot with more open space. Mrs. Moore added that a 2-acre lot would be allowed 32,600 sq. ft of disturbance and restricting the building envelopes would create fewer disturbances. Mrs. Haukohl commented “that in a Conservation Development, you want smaller lots”. She wouldn’t want large lots. Mr. Siepmann felt he exceeded the spirit of the Ordinance as he is entitled to 7 lots in the EC and the proposal is for only 5 lots, all of which are not within the County’s jurisdiction and the Town of Waukesha does not have an upland EC District. There are 55 acres of open space on this 79-acre proposal. There is will be less disturbance in the EC with smaller lots. After discussion, the Commission agreed smaller lots would create fewer disturbances in the EC and asked Mr. Baade if he would amend his motion eliminating the 2-acre lot size requirement.

*After discussion, Mr. Baade moved to amend his motion, seconded by Mr. Goodchild and carried unanimously to amend Condition No. 2 of the “Staff Report and Recommendation, which shall now read:*

- 2. No more than nineteen (19) new subdivision lots be proposed with the lots being a minimum of 30,000 sq. ft. and 120 ft. wide in the R-2 Residential Districts.*

*The Commission then voted on the rezoning of the property as previously amended, which was approved by a vote of 3 to 1 (Mrs. Haukohl voted “no”) for approval.”*

*The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

### **CONDITIONAL USE**

- **SCU-97C (Okauchee Lake Yacht Club) Towns of Oconomowoc and Merton, Sections 25 & 30**  
Mrs. Moore stated the petitioner is requesting a modification of Condition No. 3 of the Commission’s decision of November 3, 2005, regarding decibel levels for music at the lot lines on property located in part of the NE ¼ of Section 25, Town of Oconomowoc and part of the NW ¼ of Section 30, Town of Merton and more specifically on Breezy Point Road.

*Mrs. Kipp stated that after a discussion with Atty. Debbie Price, Asst. Corporation Counsel, the Commission could not consider the request to modify Condition No. 3, as a new public hearing must be held first.*

## **PLAN OF OPERATION**

### **• PO-04-GNT-23 (Reformation Evangelical Lutheran Church) Town of Genesee, Section 20**

Mrs. Moore presented the "Staff Memorandum" dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property as Lots 54 and 55 of Connemara Addition No.1 on the aerial photograph in the Town of Genesee and said the petitioner is requesting to extend the completion date in Condition No. 3 of the July 8, 2004, Commission decision from June 2005 to June 2006.

Mrs. Moore explained when she was reviewing the Conditional Uses she discovered that the Church had not implemented their Landscaping Plan. After communicating with the Church Board, they indicated there was a transfer of responsibilities on the Church Board and the new person was unaware of the Plan. They have asked for an extension until June 2006.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

## **MISCELLANEOUS**

### **• 1767 (Neumann Developments, Inc.) Town of Oconomowoc, Section 8**

Mrs. Moore presented the "Staff Memorandum" dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property in parts of the NW ¼, NE ¼ and SE ¼ of Section 8, in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a cul-de-sac length waiver for a proposed 22-lot subdivision (River Hills of Monterey).

Mrs. Moore explained the petitioner originally had a proposal that included a second point of entry to the subdivision from an extended Division Street. Matt Neumann and Corey O'Donnell presented a large layout of the proposed subdivision. They explained the original proposal was no longer viable as there is an ownership conflict on a strip of land to the west of Division Street. Three different title companies have researched the strip in question with no resolution as to ownership; therefore no one is willing to ensure the strip. The plan has been revised to include only one access point from Mill Street, thereby requiring a cul-de-sac waiver. Upon closing on the property, they will Quit Claim an area to the Town for a park and donate money to them for park equipment. The Commission felt due to the unusual circumstances and the design of the subdivision, the cul-de-sac waiver was a reasonable request.

*After discussion, Mr. Baade moved, seconded by Mrs. Haukohl and carried unanimously for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

### **• 1771 (Neumann Developments, Inc.) Town of Genesee, Section 36**

Mrs. Moore presented the "Staff Memorandum" dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property in the NE ¼, SE ¼ and SW ¼ of the SE ¼ of the Town of Genesee on the aerial photograph and stated the petitioner is requesting a cul-de-sac length waiver for a proposed 13-lot subdivision (The Ridge at Genesee).

Mrs. Moore explained the proposed subdivision requires a cul-de-sac waiver. The cul-de-sac is intended to be temporary, provided that the properties to the south or west are developed at some point. A 66' wide outlot (Outlot 2) is being proposed to provide for future extension of the proposed cul-de-sac. Outlot 2 will be transferred to the adjacent property owner to the west if said property owner wishes to acquire this acreage. If the adjacent owner to the west does not wish to acquire the outlot, it will be transferred to the owner of either the adjacent Lot 5 or Lot 6 within The Ridge at Genesee. The restrictions for the development will require that the outlot be transferred to any future developer of lands to the south and west for road extension purposes. The Town of Mukwonago's Official Map calls for a future road to connect to this property from the south.

Mr. Goodchild felt the outlot should have a dedicated road right-of-way on the plat to ensure no homes were built in the affected area. Mrs. Moore commented the "Town" did not wish to plat it with a right-of-way because then they would have to build and maintain the road. Mr. Neumann indicated they would grade the lots and place building envelopes on the plat to ensure there are not any conflicts.

***After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of their land and meets the intent and purposes of all County Ordinances.***

• **(Ralph Cavaiani-Skidmore Property) Town of Eagle, Section 15**

Mrs. Moore presented the "Staff Memorandum" dated January 19, 2006, and made a part of these Minutes. She pointed out the location of the property at W365 S8319 Hwy. 67 in the Town of Eagle on the aerial photograph and stated the petitioner is requesting approval for lots not abutting a public road .

Mrs. Moore indicated the petitioner has acquired a 52-acre parcel and is proposing to sell 35 acres to the DNR as part of the Kettle Moraine Forest Southern Unit and retain the remaining 16+ acres. The 16+ acres will be divided into a 6.2-acre parcel containing an existing residence and a 10-acre parcel on which a new residence is to be constructed. Each of the properties will have a 33 ft. wide ownership strip to the highway, but will also utilize, through cross-easements, an existing driveway of the residence to the south; in total there will be a 99 ft. wide deeded access strip to Hwy. 67. Mr. Goodchild suggested a Driveway Maintenance Agreement between the lots to avoid any future use conflicts. Mr. Caviani interjected there currently is a driveway agreement between the two existing residences, however it is not perpetual.

***After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum" with the addition of the following condition.***

- 2. A Driveway Maintenance Agreement be submitted to and approved by the Parks and Land Use Staff before the County's signature on the Final Certified Survey Map.***

***The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances***

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Goodchild to adjourn at 3:00 p.m.*

Respectfully submitted,

Pat Haukohl  
Secretary

PH:es